

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
MAGISTRATE CRIMINAL MINUTES  
SENTENCING

FILED  
DISTRICT COURT OF GUAM  
MAY - 3 2005

CASE NO. MG-05-00016

DATE: 05/03/2005

Related Case No. MG-05-00015

TIMOTHY J. MORAN  
CLERK OF COURT

HON. JOAQUIN V.E. MANIBUSAN, JR., Magistrate Judge

Law Clerk: Judith Hattori

Official Court Reporter: Wanda Miles

Courtroom Deputy: Virginia T. Kilgore

Electronically Recorded -RUN TIME: 10:46:03 - 11:22:32

CSO: B. Pereda

(4)

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: JOON HYUN HA

ATTY: KIM SAVO

(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

(X) PRESENT ( ) RETAINED (X) FPD ( ) CJA APPOINTED

U.S. ATTORNEY: MARIVIC DAVID

AGENT: ROB ROBERTSON, Bureau of Immigration and  
Customs Enforcement

U.S. PROBATION: CHRIS DUENAS

U.S. MARSHAL: S. LUJAN

INTERPRETER: HEE-JUNG WON, Previously sworn

PROCEEDINGS: INITIAL APPEARANCE / INFORMATION / PLEA / SENTENCING

( ) COMPLAINT READ TO DEFENDANT

(X) FINANCIAL AFFIDAVIT REVIEWED AND ACCEPTED: FEDERAL PUBLIC DEFENDER, ATTORNEY APPOINTED

(X) DEFENDANT SWORN AND EXAMINED: AGE: Born 1973 HIGH SCHOOL COMPLETED: High School Graduate

(X) DEFENDANT ARRAIGNED AND ADVISED OF HIS RIGHTS, CHARGES AND PENALTIES

( ) REMOVAL/IDENTITY HEARING ( ) CONDUCTED ( ) WAIVED ( ) SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) WARRANT OF REMOVAL ISSUED

( ) GOVT SUMMARIZES THE EVIDENCE ( ) GOVT SUBMITS TO THE PLEA AGREEMENT

(X) COURT QUESTIONS DEFENDANT REGARDING HIS PHYSICAL AND MENTAL CONDITION, AND ADVISES DEFENDANT  
OF THE NATURE AND POSSIBLE CONSEQUENCES OF SAID PLEA

( ) DEFENDANT WAIVE READING OF ( ) COMPLAINT ( ) INFORMATION ( ) INDICTMENT

(X) PLEA ENTERED: (X) GUILTY ( ) NOT GUILTY - TO: IMPROPER ENTRY BY AN ALIEN

( ) COUNT(S) \_\_\_\_\_ DISMISSED ON GOVERNMENT'S MOTION

(X) PLEA AGREEMENT FILED: MAY 3, 2005 PLEA: (X) ACCEPTED ( ) REJECTED

( ) SENTENCING DATE: \_\_\_\_\_ at \_\_\_\_\_ ( ) STATUS HEARING: \_\_\_\_\_ at \_\_\_\_\_

( ) PRESENTENCE REPORT ORDERED AND DUE: \_\_\_\_\_

( ) PRELIMINARY EXAMINATION SET FOR: \_\_\_\_\_

( ) ARRAIGNMENT SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) TRIAL SET FOR: \_\_\_\_\_

PROCEEDINGS CONTINUED TO: \_\_\_\_\_ at \_\_\_\_\_

( ) DEFENDANT TO BE RELEASED ON BOND (see release conditions on page 2)

(X) DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL SERVICE FOR (X) PROCESSING ( ) DETENTION

( ) DETENTION HEARING REQUESTED BY GOV'T DEFT IS SET FOR: \_\_\_\_\_ at \_\_\_\_\_

( ) DEFENDANT RELEASED ON BAIL AS PREVIOUSLY ORDERED BY THIS COURT

NOTES:

Parties stipulated to waive the presentence report. Joint recommendation to the Court by parties to impose a sentence of time served, \$3,000 fine, \$10 special assessment fee and one year of unsupervised release. Defense requested that the \$10 special assessment be paid from the money confiscated from Immigration and that the \$3,000 fine be paid to the Court no later than Friday, May 6, 2005. Government had no objection. GRANTED. The Government moved to dismiss Magistrate Case No. 05-00015. GRANTED. The Court imposed sentence.

SENTENCE: MG-05-00016

DEFENDANT: JOON HYUN HA

(X) DEFENDANT SENTENCED TO A TERM OF TIME SERVED.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF ONE YEAR.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL OFFENSE.
2. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES AND SHALL SUBMIT TO ONE URINALYSIS WITHIN 15 DAYS AFTER RELEASE FROM IMPRISONMENT AND TO TWO MORE URINALYSIS THEREAFTER.
5. PURSUANT TO 18 U.S.C. § 3583(d), THE DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS IN ACCORDANCE WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT, 8 U.S.C. §1101 ET SEQ. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE THE UNITED STATES AND SHALL NOT RE-ENTER WITHOUT THE PERMISSION OF THE U.S. ATTORNEY GENERAL. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A SPECIAL ASSESSMENT FEE OF \$10.00 TO BE PAID FROM THE MONEY CONFISCATED BY THE BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT AND A FINE OF \$3,000.00 NO LATER THAN FRIDAY, MAY 6, 2005.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT REMANDED TO THE CUSTODY OF THE U.S. MARSHAL.